DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

Re: Mivacron®
Docket No. 92E-0156

#37

The Honorable Douglas B. Comer
Acting Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Commissioner Comer:

This is in regard to the application for patent term extension for U.S. Patent No. 4,761,418, filed by Burroughs Wellcome Co., under 35 U.S.C. 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for Mivacron®, the human drug product claimed by the patent.

The total length of the review period for Mivacron® is 2,755 days. Of this time 2,245 days occurred during the testing phase and 510 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: July 7, 1984.

   FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was July 7, 1984.

2. The date the application was initially submitted with respect to the human drug product under subsection 505(b) of the Federal Food, Drug, and Cosmetic Act: August 30, 1990.

   FDA has verified the applicant's claim that NDA 20-098 was submitted on August 30, 1990.

3. The date the application was approved: January 22, 1992.

   FDA has verified the applicant's claim that NDA 20-098 was approved on January 22, 1992.

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

Stuart L. Nightingale, M.D.
Associate Commissioner
for Health Affairs

cc: Dr. L.A. Nielsen